

REMARKSA. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

B. Amendments to the Claims

This response presents amendments to claims 1, 3 and 6. In addition, claims 11-15 have been added and claims 2 and 5 have been deleted. Thus, claims 1, 3, 4 and 6-15 are currently under prosecution.

Claim 1 has been amended to recite that the slats are supported at their ends by a securing means. Support for this amendment can be found at page 5, lines 30-32, where it is explained that the ends of the slats are "engaged" in housings that are fixed on the extending members of the frame of the bed base. It is submitted that the word "engaged" supports the word "securing" used in claim 1.

Claim 1 has also been amended to recite that only one of the bends is connected to the suspension device by a junction wall. Support for this amendment can be found at page 5, lines 13-19 and in Figures 1 and 3, where it is described and shown that only one of the bends (hook 10a, not hook 10b) is connected to suspension device 5 by junction wall 11.

Claim 3 has been amended due to the cancellation of claim 2. Since claim 3 is now dependent upon claim 1, the language of claim 3 has accordingly been reworded to reflect this change. No new matter has been added by this amendment.

Claim 6 has been amended to include the subject matter of cancelled claim 5. In addition, claim 6 has been amended to be dependent upon claim 1.

The allowable subject matter noted by the Examiner on page 4 of the Office Action has been rewritten in independent form and presented in independent claims 11 and 13-15 as well as dependent claim 12. Each of claims 11 and 13-15 include the limitations of claim 1, and in addition, claim 11 includes the allowable subject matter of claim 3, claim 12 includes the allowable subject matter of claim 4, claim 13 includes the allowable subject matter of claim 6, claim 14 includes the allowable subject matter of claim 7,

and claim 15 includes the allowable subject matter of claim 8.

C. The Invention

The present invention is directed to a tension-varying slider for fitting an adjustable set of slats of a bed base. As illustrated in Figures 1 and 3, tension-varying slider 1 is composed of fixing means 8, having strip 9 to be placed across the upper portion of upper slats 3a and 3b, and suspension device 5 to be placed against lower slat 4.

Strip 9 has a bend at each end that cooperates with the outer edges of upper slats 3a and 3b during alignment. In one of the novel aspects of the invention, only one of the bends (bend 10a in Figure 1, for example) is connected to suspension device 5 by junction wall 11.

The tension-varying slider of the invention has the advantage that strip 9 is lifted during mounting of the slider with the bend acting as a hinge (Figure 4). After strip 9 is elevated, suspension device 6 is placed against lower slat 4 while strip 9 is lowered onto upper slats 3a and 3b where bends 10a and 10b of strip 9 cooperate with

the outer edges of slats 3a and 3b to achieve alignment (page 5, line 36 to page 6, line 11).

The tension-varying slider of the invention differs from conventional sliders because an alignment is made between the outer edges of upper slats 3a and 3b and the two bends 10a and 10b of strip 9. The two bends 10a and 10b of strip 9 are able to be placed at the outer edges of upper slats 3a and 3b due to the unique hinge aspect of the invention involving only one of the bends.

In contrast to the invention, conventional sliders such as the one disclosed in FR 2 666 973 (previously cited in IDS) do not have a hinge capability and are therefore forced to make an alignment between the inner edges of upper slats 7 and the body of slider 6 itself (Figure 1). Furthermore, sliders of the type disclosed in FR '973 additionally require a 1/4 turn in order to fix upper slats 7 at a desired position (see description of FR '973 at page 1, line 29 to page, line 14 of the present invention).

D. Rejections under 35 USC § 112

Claims 1-10 have been rejected under 35 USC § 112, second paragraph, as being indefinite. The Examiner has stated that it is unclear as to what fixing means is being

referred to in lines 11-16 of claim 1. In addition, claim 6 has been rejected for depending from itself.

Applicants have amended claim 1 to change the first occurrence of "fixing means" to "securing means". As discussed above, the securing means supports the slats by engagement with the frame of the bed base. The second occurrence of "fixing means" refers to fixing means 8 for fixing suspension device 5 to upper slats 3a and 3b (page 5, lines 3-7).

Claim 6 has been amended to be dependent upon claim 1.

It is respectfully submitted that all of the claims meet the requirements of 35 USC § 112.

E. Rejections under 35 USC § 103(a) based on Loberg and Inhoffen

Claims 1, 5 and 9 have been rejected as being unpatentable over Loberg in view of Inhoffen.

Loberg has been cited to teach a slider composed of suspension device 76, fixing means 70, strip 71 and a junction wall (Figure 7). The Examiner has recognized that Loberg fails to teach a strip having a bend at each end for cooperating with the outer edges of slats 41 as recited in original claim 1. Thus, Inhoffen has been cited to teach a slider having bends that cooperate with the outer edges of

the slats (Figure 1). The Examiner has stated that it would be obvious to modify the slider of Loberg to include the bends of the strip of Inhoffen to more securely retain the upper slats.

1. Inhoffen does not teach that only one of the bends is connected to the suspension device

Figure 1 of Inhoffen illustrates bends located at both extreme ends of strap 4 in order to retain batten 2 in the adjustment device. The Examiner can appreciate that the adjustment device of Inhoffen is substantially symmetrical with respect to the area surrounding the bends of strap 4.

In contrast to Inhoffen, claim 1 recites that only one of the bends is connected to the suspension device. Claim 1 therefore includes the embodiment of the invention illustrated in Figure 4 of the Application, where bend 10a is connected to suspension device 5 by junction wall 11 creating a hinge effect. This hinge effect is possible because only one of the bends is connected to suspension device 5, e.g., bend 10b is not connected.

An addition of the bends of Inhoffen to the slider of Loberg does not arrive at the slider of claim 1. First, an addition of the bends of Inhoffen to the slider of Loberg results in a slider where either both or none of the bends

are connected to the suspension device. This is true since the adjustment device of Inhoffen is substantially symmetrical.

Second, it would not be obvious to connect only one of the bends to the suspension device based on the combined teachings of Loberg and Inhoffen, since neither reference discloses or suggests the hinge effect attained by having only one of the bends to the suspension device.

It is therefore respectfully submitted that claim 1 is patentable over the combined teachings of Loberg and Inhoffen.

2. Loberg does not teach the junction wall of the present invention

As recited in claim 1 and illustrated in Figure 1 of the invention, strip 9 has a bend at each of its ends, and junction wall 11 connects one of the bends (bend 10a in Figure 1) to suspension device 5. Junction wall 11 facilitates the hinging of strip 9 discussed above.

The Examiner has taken the position that the wall between grooves 72 and 73 in Figure 7 of Loberg is the junction wall of the present invention (page 3, lines 13-24 of the Office Action). Applicants respectfully disagree.

The cited wall of Loberg is not the junction wall of the present invention, since the cited wall does not connect one of the bends to the suspension device as recited in claim 1. Instead, the cited wall of Loberg is located in the interior of slider 71, and is connected directly to the upper portion of slider 71 in a position away from the bends. Thus, an addition of the bends of Inhoffen to the slider of Loberg does not achieve a slider where the junction wall connects a bend to the suspension device as recited in claim 1.

Applicants respectfully submit that claim 1 is not taught or suggested by Loberg or Inhoffen taken alone or in combination.

F. Rejections under 35 USC § 103(a) based on Loberg, Inhoffen and DE '728

Claims 2 and 10 have been rejected as being unpatentable over Loberg in view of Inhoffen and DE '728. DE '728 has been cited to teach a catch means and an elastomer slider.

DE '728 in combination with Loberg and Inhoffen does not teach or suggest the features of claim 1 described above. Claim 10 is therefore deemed to be patentable since it is dependent upon claim 1.

Claim 2 has been cancelled.

G. New Claims 11-15

Claims 11 and 13-15 have been presented in independent form to include the allowable subject matter of claims 3 and 6-8. Claim 12 is dependent upon claim 11 and includes the allowable subject matter of claim 4. Claims 11-15 are therefore patentable over the cited art.

H. Fees

A one-month extension of time is hereby requested and PTO Form 2038 is enclosed. In addition, payment for the newly added claims is included.

I. Conclusion

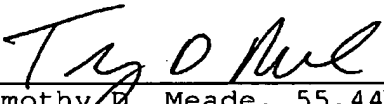
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any further extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate

requests are hereby made and authorization is given to  
debit Account # 02-2275.

Respectfully submitted,

MUSERLIAN, LUCAS AND MERCANTI, LLP

By:

  
Timothy D. Meade, 55,449  
Attorney for Applicant(s)  
475 Park Avenue South, 15<sup>th</sup> Floor  
New York, New York  
Tel. # 212-661-8000

Encl:

Form PTO 2038  
Form PTO/SB/17